

ZB# 08-10

**Avan Realty
(Executive Dr.)**

4-3-2.221

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

June 9, 2008

08-10

Avan Realty - (Sign)
Executive Drive

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 4-3-2.221

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

AVAN REALTY

SIGN

CASE #08-10

WHEREAS, MR. HAIG SARKISSIAN, owner(s) of 140 EXECUTIVE DRIVE, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an
1. Request for one (1) additional Freestanding Sign at 140 Executive Drive in a PI Zone (4-3-17.6)

WHEREAS, a public hearing was held on JUNE 9, 2008 and continued to June 23, 2008 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Mr. Haig Sarkissian along with William Helmer appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS no one spoke opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a commerical property located in a neighborhood of commerical properties on a busy state highway where the proposed use is allowed in an PI zone.
 - (b) The prpoerty is to small for any development other than locading a sign.

- (c) The applicant seeks to place a sign on the property advertizing the existance of a business approimatly 600 ft. away on a small private roadway.
- (d) The applicant will not be cutting down any trees or substancial vegetation in putting up the sign the sign will be illuminated by steady interninal illumination with nothing flashing.
- (e) The property is owned by William Helmer but it is the applicant that seeks to irrect the sign on Mr. Helmers property.
- (f) The sign does not impair the safe operation of motor vehicles on the ajacent roadway.
- (g) The applicant proposes to locate the sign beneath the existing sign for "Finklestein and Partners".

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance(s).

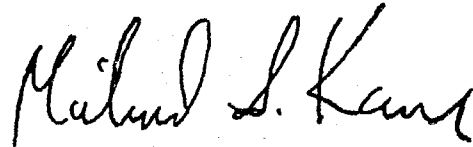
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for one (1) additional Freestanding Sign at 140 Executive Drive in a PI Zone (4-3-17.6) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: June 9, 2008



Chairman

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
PLEASE TAKE NOTICE that the Zoning
Board of Appeals of the Town of New

WINDSOR, New York, will hold a Public Hearing pursuant to Section 46-34A of the Zoning Local Law on the following Proposition:

Appeal No. (08-16)
Request of LOUIE'S AUTO DRIVING
SCHOOLWINDSOR HIGHWAY
(MERCADO)

for a VARIANCE of the Zoning Local Law to Permit:

LOUIE'S AUTO DRIVING
SCHOOLWINDSOR HIGHWAY
(MERCADO) Proposed driving school
for property located at: 297 Windsor Highway

known and designated as tax map Section 42 Block 1 Lot 15

PUBLIC HEARING will take place on OCTOBER 15, 2008

at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 PM.

Michael Kane, Chairman

State of New York
County of Orange, ss:

Kathy Amanatides, being duly sworn, disposes and says

that she is the Office Manager of the E.W. Smith

Publishing Company, Inc., Publisher of

The Sentinel, a weekly newspaper published and of

general circulation in the Town of New Windsor, Town

of Newburgh and City of Newburgh and that the notice

of which is annexed is a true copy was published in said

newspaper 1 times(s) commencing on the 10th

day of Oct., A.D., 2008 and ending on the

10th day of Oct., A.D., 2008.

Subscribed and sworn to before me this 17th day of

Oct., 2008.

Notary Public of the State of New York

County of Orange

KATHLEEN O'BRIEN
Notary Public, State of New York
Qualified in Orange County
No. 0104703612
Commission Expires July 31, 09

My commission expires 7-31-09

08-10
15.45



RESULTS OF Z.B. MEETING OF: _____

PROJECT: Avon Realty ZBA # _____
P.B.# _____



USE VARIANCE:

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

☐ ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____



PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____
VARIANCE APPROVED: M) B S) T VOTE: A 3 N 0.

~~DITTBRENNER~~

BEDETTI A
LOCEY A
TORPEY A

~~KANE~~

CARRIED: Y ✓ N _____

AGENDA DATE: _____

Date: August 31, 2008

RE: Sign on the corner of Executive Drive and Rt-207/300

Project: AVAN Realty – Gateway Medical Plaza

Variance Application by William Helmer and Haig Sarkissian

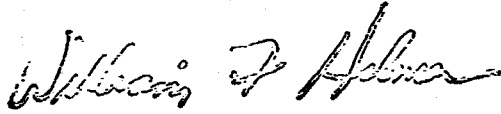
Background: AVAN Realty, LLC is constructing a medical office building at the end of Executive Drive in New Windsor and has applied for a variance with the Town of New Windsor Zoning Board of Appeals to install a sign on the corner of Executive Drive and Rt. 207/300. The ZBA has asked that we place our sign under the existing Finkelstein & Partners sign, in order to reduce clutter. They have requested a letter agreement indicating all parties' consent to placing the AVAN Realty sign under the Finkelstein sign. This letter is to serve as such consent and agreement.

To: Town of New Windsor Zoning Board

This is to certify that William Helmer and Avan Realty have agreed to place the Avan Realty sign under the existing Finkelstein & Partners sign on the corner of Executive Drive and Rt. 207/300. Since the AVAN Realty sign will not be physically attached to the existing Finkelstein sign, their consent is not required.

Consented and Agreed to:

William Helmer:



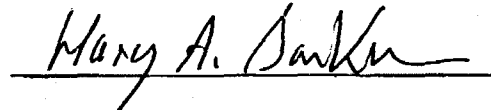
Print Name:

_____William Helmer_____

Date:

_____09/09/2008_____

AVAN Realty, LLC:

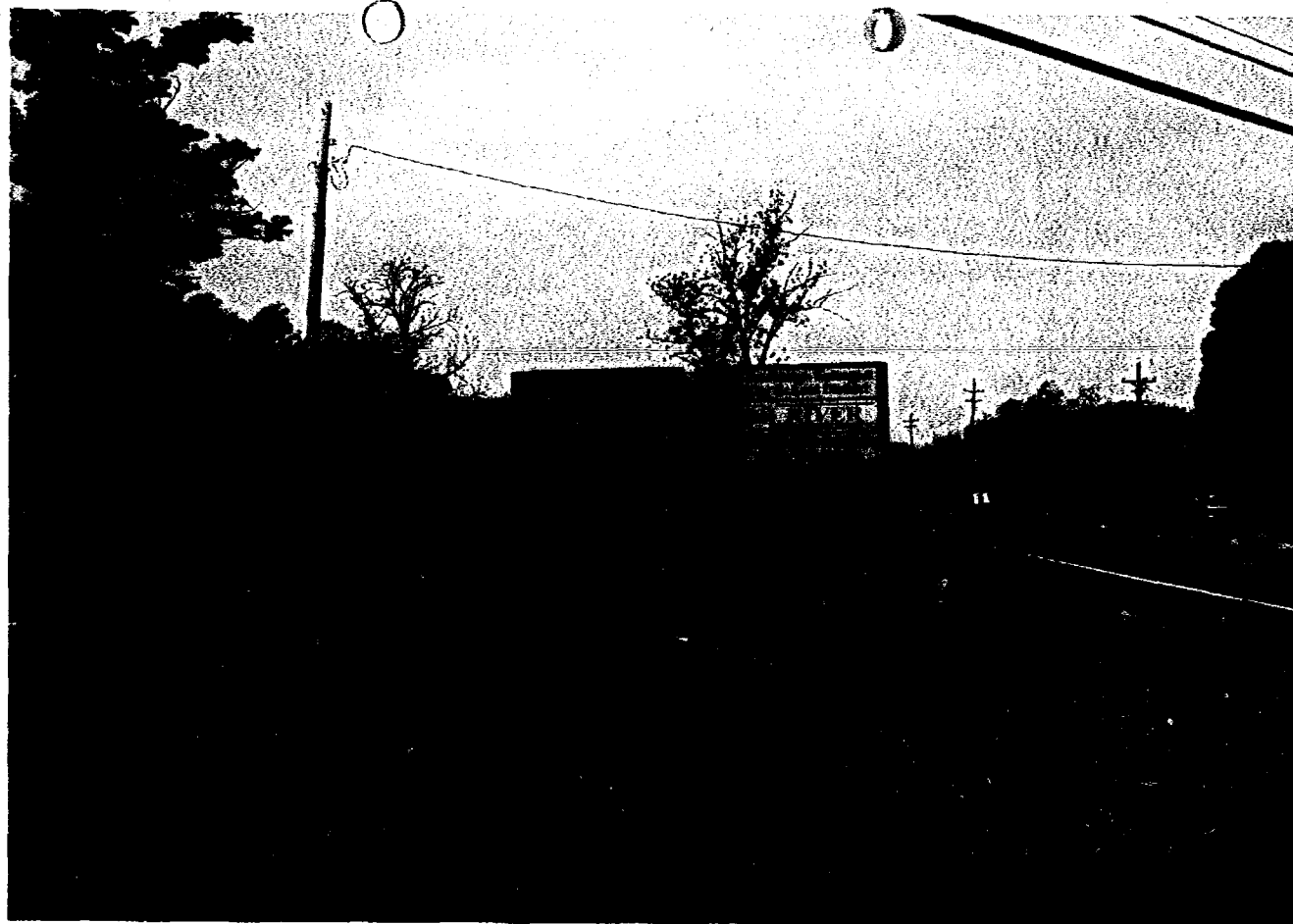


Print Name:

_____Haig A. Sarkissian_____

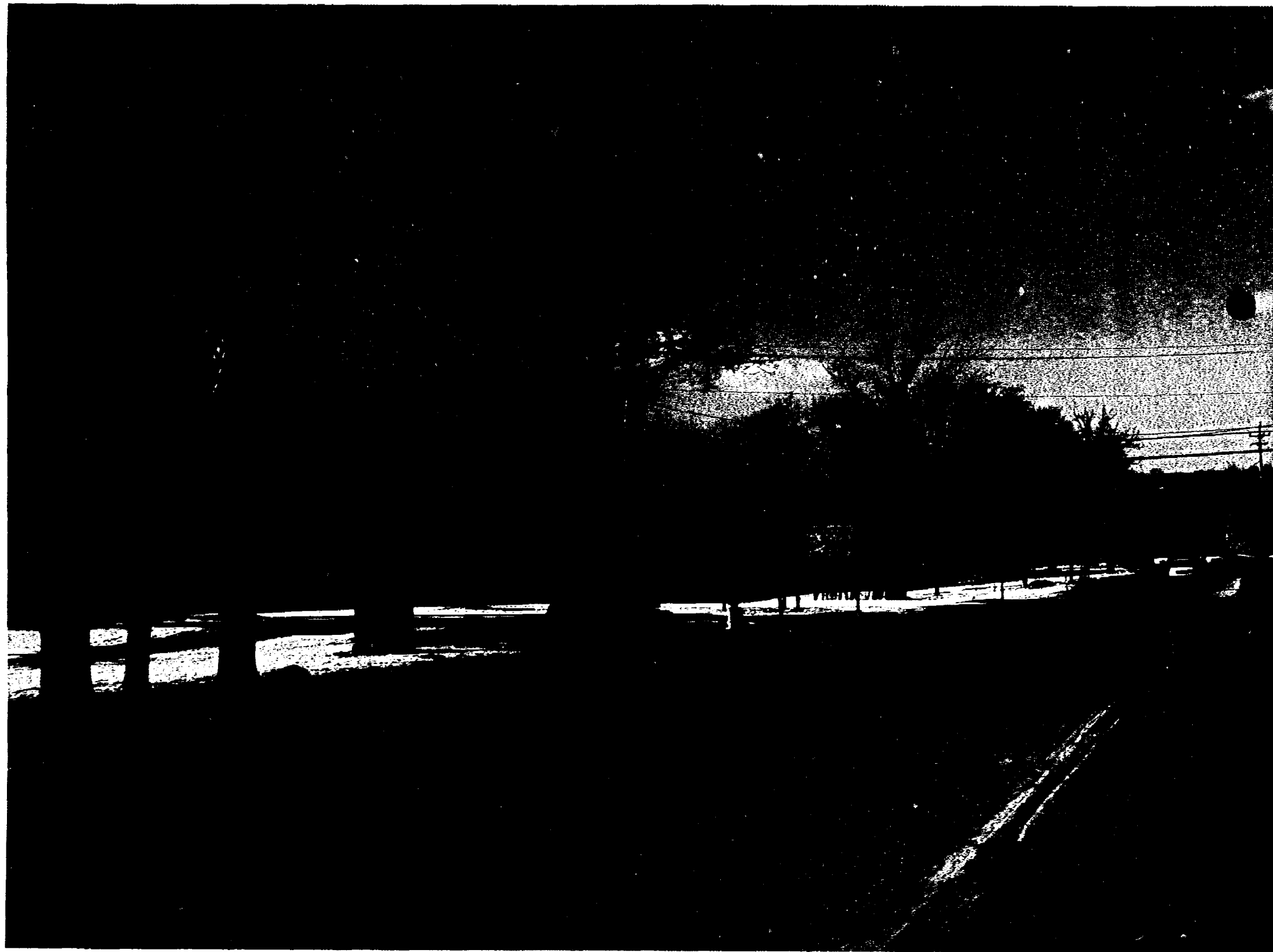
Date:

_____09/09/2008_____



Haig A. Sarkissian
11 Braden Place
Cornwall-on-Hudson, NY 12520

845 642-8452



Haig A. Sarkissian
11 Braden Place
Cornwall-on-Hudson, NY 12520

845 642-8452



Haig A. Sarkissian
11 Braden Place
Cornwall-on-Hudson, NY 12518

845 642-8452



Haig A. Sarkissian
11 Braden Place
Cornwall-on-Hudson, NY 12520

845 642-8452



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #08-10

TYPE:AREA

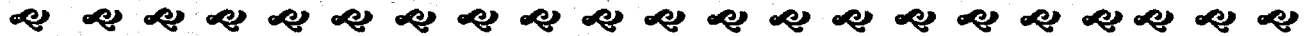
TELEPHONE: 942-1330

APPLICANT:

Avan Realty (Haig Sarkissian)
11 Braden Place
Cornwall-on-Hudson, NY 12520

RESIDENTIAL:	\$ 50.00	CHECK #
COMMERCIAL	\$ 150.00	CHECK #1006
INTERPRETATION	\$ 150.00	CHECK #

ESCROW: COMMERCIAL \$500.00 CHECK #1007



<u>DISBURSEMENTS:</u>		<u>MINUTES</u>	<u>ATTORNEY</u>
		<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>8</u>	PAGES	\$ <u>56.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	<u> </u>	PAGES	\$ <u> </u>	\$ <u> </u>
PUBLIC HEARING:	<u>19</u>	PAGES	\$ <u>133.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	<u>8</u>	PAGES	\$ <u>56.00</u>	\$ <u>35.00</u>

LEGAL AD: Publish Date:06-08 \$ 11.50

TOTAL: \$ 256.60 \$ 105.00



ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$ 361.50

AMOUNT DUE: \$

REFUND DUE: \$ 138.50

Cc:

J.F. 08-05-08

(8)

PRELIMINARY MEETING:

AVAN REALTY, LLC

MS. LOCEY: Here at the Zoning Board of Appeals each applicant goes through a two phase process, the first phase is a preliminary hearing when the applicant comes in front of the board and explains what it is he or she is looking for and we do it that way so that we can tell you exactly what's needed for your application to be successful. And once we go through that preliminary portion, a public hearing will be scheduled where you formally will make your presentation and the public will be invited to make any comments and the decision rendered at that time.

Mr. Haig Sarkissian appeared before the board for this proposal.

MS. LOCEY: Request for one additional freestanding sign at 140 Executive Drive.

MR. SARKISSIAN: My name is Haig Sarkissian with Avan Realty and we're constructing a 10,000 square foot medical office building at the end of Executive Drive and presently Executive Drive is a dead-end street. There are two buildings on that, each building has a sign at the corner of Executive Drive and Temple Hill Road. We would like to ask for a variance to put a sign at the corner of Temple Hill Road and Executive Drive as well so that our patients who will be coming to the practice will be able to see where we're located.

MS. LOCEY: Will the request for the sign with that construction of the sign will you be taking out any substantial vegetation any large number of trees or that sort of thing? A lot of these questions will seem somewhat silly but we have to get them on record.

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MR. SARKISSIAN: Presently there's flat open land at the west corner of Executive Drive where the two signs are, there are no trees or vegetation that will need to be taken out.

MS. LOCEY: The location where you propose this sign will it at all impede the vision of traffic coming and going from each direction?

MR. SARKISSIAN: No, it will not, there are two signs there already, the sign will go to the south of the two signs further away from the street, therefore, it will not impede any view of any traffic.

MS. LOCEY: Are there any right-of-ways or easements in the area where the sign is to be erected?

MR. SARKISSIAN: The small corner lot is owned by Mr. Bill Helmer, we have gotten his approval to put the sign on that lot. We're not aware of any right-of-ways or easements at that corner.

MS. LOCEY: I do see that you have provided the board with one picture, do you think that that's sufficient for our needs?

MR. KRIEGER: The reason for the pictures is to allow the board to see the site and to look at it. Now, I note the one picture they have provided it doesn't indicate where the proposed sign is going so I don't, does it show on the picture?

MR. BEDETTI: It has an X on it, at least this one does.

MR. KRIEGER: Then I think that question I personally would be inclined to believe that it makes an inadequate record but if the members of the board would like additional pictures I think that's appropriate. I would like to see the record contain more pictures.

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MS. LOCEY: If you could give us some more.

MR. SARKISSIAN: We'll be happy to provide additional pictures.

MS. LOCEY: A view from both sides so we can see how it will affect oncoming traffic from both corrections.

MR. SARKISSIAN: Yes, we can do that.

MS. LOCEY: What would the impacts be if you're not allowed to have the sign, in other words, you're asking for a variance for one additional sign, how would that affect your business if that were not allowed?

MR. SARKISSIAN: I believe that not having the sign will cause our patients coming into the office miss that turn and go further down and have to make u-turns and create additional traffic that would be unnecessary and I think having the sign will ease everybody's ability to reach us without having to create additional u-turns, the need to have u-turns or any additional traffic in the area.

MR. BABCOCK: Miss Chairman, the building that he's referring to is being built behind the glass building, the big glass building.

MS. LOCEY: At the end of Executive Drive?

MR. BABCOCK: Not quite at the end but towards the end.

MR. SARKISSIAN: This would be at the end.

MR. BABCOCK: Executive Drive keeps on going but basically it's the end of the straight before Executive Drive will take a left and start down the hill, so his building really isn't on the main drag and that's why he wants to put the sign out there. Coming from the

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west you may be able to get a glance of his building going by but going east you'd never know it's there unless you had a sign.

MS. LOCEY: Any other members of the board have any questions?

MR. BEDETTI: Yeah, I have a question. How many opportunities are there going to be for other additional buildings on that road? I think there's some vacant land there and the question I would have in my mind is how many of those signs are we actually going to put on that corner? It might be wise for them to consider getting together and making a single sign compartment as opposed to putting up the 4 or 5, 6, 7 signs, you know, if there's that much vacant land I'd be concerned about how many of those signs we could safely put there without them becoming a hazard for both visibility point of view and cars going in and out making that turn. I don't know how you can handle that putting them together or some consideration, I think we, somebody should be considering that how many more signs we're going to allow, looks like there's two now he's going to put up one, if there's going to be four or five for other buildings there.

MS. LOCEY: Is there room for additional expansion back there that would require additional signage?

MR. BABCOCK: There's room for expansion, I don't know that the next project whether they'd want a sign or not, they probably would I think at some point, I mean, if that's the concern of the board, I don't know what the right number is, is 3 the right number, is 4 the right number, is 5 the right number. That's why they're here.

MR. SARKISSIAN: There's also plans in the future to extend Executive Drive and connect to down to 207 at the traffic light when we get our approval there was

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extension discussion about doing that. Presently Executive Drive will turn and end in a cul-de-sac so it still would be a dead-end and I would think that at a point where Executive is actually connected back to 207 300 then the need for signs will be taken away since it will be a connecting thoroughfare. And I think that that's not a way to handle that. The combination would be one way and the other is by connecting Executive we can eliminate the need for a sign at the corner.

MR. BEDETTI: Or you may come back for a sign down on the other corner where the new intersection would be.

MR. BABCOCK: This gentleman has nothing to do, he's only got to do with the one sign that he's dealing with tonight.

MS. LOCEY: Right and this board needs to make a decision on his request and I don't know if there's any procedure or recommendation this board could make as far as perhaps the town planning for future signage in that area, I don't know but it certainly should not impact his application this evening.

MR. SARKISSIAN: Another discussion I had with the building department with Michael Babcock is that it's not legal to put a large sign, if you make that sign a combined sign larger than the required another variance is needed to combine it so the recommendation was it's simpler and customary to ask for a standard size sign and make it stand alone.

MR. KRIEGER: Correct me if I'm wrong the sign you're proposing to put up is not on the property owned by the applicant, it's on somebody else's property?

MR. SARKISSIAN: Correct, so are the other two signs.

MR. KRIEGER: Yes, I understand. For location of a sign on somebody else's property I would like to have,

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I'd like to see the record contain not only some easement, you know, I need something in writing. It's real property and also I think it should be for a public hearing by the time of the public hearing they should have a proxy from the owner.

MR. BABCOCK: The property owner is here.

MS. MASON: I have one.

MR. KRIEGER: Then that's taken care of then, I just need to see an easement in recordable form so we know that they have the legal right to do that because it's required for real property.

MS. MASON: No, I don't.

MS. LOCEY: Correction, Myra does not have the proxy so we'll need to see that also.

MR. DITTBRENNER: Does the proposed sign conform to the existing two that are on the property?

MR. SARKISSIAN: Correct size and form.

MR. DITTBRENNER: Is there any lighting proposed for the sign?

MR. SARKISSIAN: Yeah, both will have similar lighting.

MS. LOCEY: Any flashing?

MR. SARKISSIAN: No, steady, fixed.

MS. LOCEY: If there are no other questions, I would ask for a motion to schedule a public hearing.

MR. BEDETTI: I will make a motion that we schedule a public hearing for the Avan Realty request for additional freestanding sign at 140 Executive Drive.

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MR. DITTBRENNER: I'll second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE

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PUBLIC HEARINGS:

AVAN_REALTY, LLC (08=10)

MR. KANE: Request for one additional freestanding sign at 140 Executive Drive.

Mr. Haig Sarkissian appeared before the board for this proposal.

MR. KANE: Please state your name, address, speak loud enough so this young lady can hear you.

MR. SARKISSIAN: My name is Haig Sarkissian and my address, home address or business?

MR. KANE: Business is fine.

MR. SARKISSIAN: 140 Executive Drive, New Windsor.

MR. KANE: Tell us exactly what you want to do.

MR. SARKISSIAN: This is a public hearing for additional sign that we would like to put on Executive Drive at Route 300 at the corner so that visitors and patients to our new building will be able to find us.

MS. LOCEY: As I remember from the preliminary hearing this building is going to be in back of the existing building right there on Route 300 so you won't really be able to see it from the road?

MR. SARKISSIAN: Correct, the building is about 600 feet behind Route 300.

MR. KANE: So it is behind that other building that's right there?

MR. SARKISSIAN: Correct, behind two buildings that are there, both building have signs, I was asked to bring

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some additional pictures last time I brought some additional pictures. Who should I give them to?

MS. MASON: I'll take them.

MR. KANE: Cutting down any trees or substantial vegetation in putting up the sign?

MR. SARKISSIAN: No, there are no trees as shown.

MR. KANE: Is the sign illuminated in any way?

MR. SARKISSIAN: It will be illuminated just like the other two signs, the other two buildings each have a sign in that corner.

MR. KANE: Internal illumination?

MR. SARKISSIAN: Yes.

MR. KANE: Nothing flashing?

MR. SARKISSIAN: Nothing flashing.

MR. KANE: Mike, how many other buildings do we got back there?

MR. BABCOCK: Actually, there's one more going up right now, well, actually, I don't know if they started that yet. They started one across the street from you.

MR. SARKISSIAN: No.

MR. BABCOCK: There's one more that's going up and then Executive Drive before they could do anymore is going to extend down and come out onto 207, actually make a turn and connect with Wembly Drive. So once that happens and it becomes a drive-through road and we're going to, we have already talked to them about offer for dedication to the town as a town road and he's

committed to that.

MR. KANE: I'm just getting a little concerned, I know I understand your reasoning for wanting it but that's really building up on signs in that one piece and honestly it looks terrible.

MR. TORPEY: One big sign with everything on it would like nicer than a whole bunch of little ones.

MR. KANE: Problem is it's not all the same building so it's not the same ownership.

MR. BABCOCK: No, this gentleman's only got one building, he has nothing to do with the other two buildings that are existing there now.

MS. LOCEY: There's another owner who's going to build a fourth building?

MR. BABCOCK: Yeah, actually across the street from him farther down.

MS. LOCEY: So we could probably assume that that fourth building will want its own sign.

MR. BABCOCK: I would assume once they see this sign go up they're going to want one out there also, yes.

MR. TORPEY: Have one big fancy, you know, paver signs with just saying Executive Drive or something and everybody, you know what I'm saying, like in the end of the entrance one big fancy sign that everybody could just about go on instead of, you know, whoever's doing the road they can dedicate it or do something like that.

MR. DITTBRENNER: What's the ownership between Mr. Helmer and these other three properties?

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MR. BABCOCK: Mr. Helmer actually owns the property where the signs are being located.

MR. DITTBRENNER: He has no interest in this property.

MR. BABCOCK: This gentleman's property, none, the other one he did build.

MR. DITTBRENNER: Mr. Helmer is allowing these signs to be, and making application for a third sign on this property?

MR. BABCOCK: That's correct.

MR. DITTBRENNER: Maybe Mr. Helmer needs to be addressed for future signs he needs to consolidate and build a marquee sign.

MR. KANE: I agree.

MR. BABCOCK: Honestly think something like that would be good too only because I think even if it becomes a town road even ten years from now this gentleman would like to have a sign out by 300.

MR. KANE: And perfectly understandable, there's just got to be a better way to do it.

MR. BABCOCK: It's not a road people are going to travel unless they're looking for--

MR. TORPEY: Some like grand entrance, something nice that everybody could be almost on it, something attractive.

MR. SARKISSIAN: Is the fourth building going up the one owned by River Realty?

MR. BABCOCK: It's owned by Poughkeepsie Properties.

MR. SARKISSIAN: Which owns the other building one of the two buildings that's already there and they have one of the signs already.

MR. BABCOCK: Okay.

MR. KANE: So that I would still rather see them all consolidated into something that looks better. And my other concern, I know everything that we do here is based on the individual application at that time and we don't set a precedent but at a certain point there's an expectation that comes out.

MR. BEDETTI: That photograph in fact shows two signs, in fact, if I recall actually a third sign there right now advertising commercial space, doesn't show--

MR. BABCOCK: That's correct.

MR. SARKISSIAN: That's on the other side of the street.

MR. KANE: That's actually on a different piece of property but what we're getting is you're getting all of these.

MR. BEDETTI: That's the point and if I recall correctly wasn't there some question about whether they need to get in writing the acceptance by the property owner to erect these signs? And then the next thing comes to my mind is this actually proper use for that land to put sign graveyard up there? That's what it's going to look like.

MR. KANE: We do have a proxy, he would have to have the proxy even to be here.

MR. BEDETTI: That came up at the last meeting.

MR. BABCOCK: The applicant for this sign is actually

Bill Helmer because it's his property.

MR. BEDETTI: My question is is it proper to take a piece of property and just continue to keep erecting signs on that property, is that proper use for the land?

MR. BABCOCK: No.

MR. BEDETTI: To just keep erecting signs because I own a piece of land and say that seems like a halfway decent piece of property, I'll take that piece of land, rent out the space for signs and the question is is that proper use for the property?

MR. BABCOCK: I don't know if Mr. Helmer's charging these people a monthly rent for these signs.

MR. SARKISSIAN: That's not the case, in fact, we negotiated and he agreed to allow us to cooperate to have the sign.

MR. KANE: You understand where we're at with it? I mean, there's just so many signs going up on that corner, it's unsightly at best.

MR. BEDETTI: We asked them at the preliminary meeting if they could in fact investigate the possibility of consolidation, you know, put the other signs all in one particular, just make one sign as opposed to four or five and six.

MR. SARKISSIAN: Well, I have investigated that myself and I think I had a discussion with your office, the sign laws allow for a certain size sign so unless we get a variance--

MR. KANE: Right, but I think it would be better fear to give a variance for the size of a sign that can handle that rather than having four, five, six, seven

individuals signs all over the place. I'd much rather give a variance to consolidate and make it look more presentable and again this isn't any reflection on you at all, just happens to be that corner and I go by it every day. Let me do this first. Is there anybody in the audience for this particular hearing? Seeing as there's not, we'll close the public portion of the hearing and ask Myra how many mailings we had.

MS. MASON: On the 23rd of May, I mailed out five addressed envelopes and had no response.

MR. KANE: Okay, how do you guys feel, I mean--

MR. TORPEY: Do something temporary but to keep going the way it's going would be silly, everybody should get together and maybe structure one sign and maybe pay rent on it or something, structure one fancy grand entrance sign or something, you know what I mean?

MR. KANE: Yes, absolutely.

MR. TORPEY: This way everybody can have a spot on there and do whatever and everybody will know what's down that road. It's an industrial park which buildings and what's down there.

MS. LOCEY: Explain if you would the existing two signs that are there, was a variance needed for one or both of those?

MR. BABCOCK: Yes, and it received one, it received a variance, yeah, the one that says Finkelstein is the one that received a variance from this board.

MR. TORPEY: There's multiple businesses in that one glass building.

MR. BABCOCK: No, actually the second sign is for the second building.

MR. SARKISSIAN: Which had a variance.

MR. BABCOCK: Yes.

MS. LOCEY: So my question is once that variance was granted, does this board have any authority to rescind that approval?

MR. KRIEGER: No.

MR. KANE: Not on that side, it goes with the property, any variance we get goes with the property right there so we couldn't do anything specifically about the two signs that are there.

MR. KRIEGER: It goes with the property. There's another question here and that is what happens when Bill Helmer no longer owns the property?

MS. LOCEY: Well, I don't know what does happen if your variance goes with the property, the variance is there?

MR. KANE: He can still have two signs there.

MS. LOCEY: And that brings me to my next point, if we condition this approval based on it being the last of the third and last sign allowed on that property and we already know a fourth building is going up, is there a way or should we considerate at this time allowing no more signs until some kind of consolidation of all of those signs is considered? But can we do that legally if the existing signs already have approval?

MR. KANE: Well, you could again Andy will clarify but I think you can approve this sign and the three would be there and any other considerations would be a consolidation and if they didn't want to do that it wouldn't hurt the existing signs, they have the right to stay, it's just nothing else would be allowed to go

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in.

MS. LOCEY: I can understand that.

MR. DITTBRENNER: But knowing there's a fourth building should we be making that decision now?

MR. KANE: The expectation is there for that fourth.

MS. LOCEY: On the other hand, I don't think it's fair to the applicant that he was brought to this level having gone through the preliminary process even though we touched on the subject, I don't think that this board indicated that it would be a reason for disapproval of his variance, you know, I want to be fair.

MR. KANE: Absolutely.

MR. TORPEY: Who's putting the road in? Who's in charge of all this back there, selling the lots?

MR. BABCOCK: Bill Helmer, Bill Helmer owns the road, it's offered to the town for dedication and the road may extend.

MR. TORPEY: Why can't we go after him to straighten out the beginning of that road?

MR. BABCOCK: Well, Bill Helmer has clearly no benefit in these signs.

MR. DITTBRENNER: That's the only thing, we're not declining Mr. Sarkissian, we're declining Bill Helmer.

MR. BABCOCK: Bill Helmer has no need for this gentleman's sign, he's I guess being a nice guy and saying he can put a sign on my property so to go to Bill Helmer and tell Bill Helmer to build this gentleman a sign he's not going to do that.

MR. TORPEY: What about build everybody a sign?

MR. BABCOCK: He's not going to do that, he's not going to build anybody a sign.

MR. BABCOCK: Jim, you know, I mean if Bill Helmer was told that he's got to put a directory sign there I'm sure he would charge these people rent.

MR. DITTBRENNER: Charge rent he's going to build it beautiful.

MR. BABCOCK: Once this road goes down and turns and comes out at the traffic light on 207 if that ever happens they'll all want a sign down on that end.

MR. KANE: So if the decision of this board is going to bill okay then we can make an addendum on there that this would be the final unless there was a consolidation of signs afterwards.

MR. KRIEGER: Well, each application stands on its own so you can't run the risk of appearing to prejudge an application before it's made and that that goes too far. The only thing I was going to say each application stands on its own and that means that the four criteria set forth in the law for testing the for establishing the balancing test have to be asked each time there's an application. Now of course it's going to make a big difference when asking those questions whether there are existing signs there on that property or not. You reach a breaking point when you say for instance undesirable character, an undesirable change in the neighborhood you may say well, one doesn't do it, three doesn't do it but four is just too many but you have to do it then when the application's made.

MS. LOCEY: And Mr. Helmer, is that his name?

MR. BABCOCK: Yes.

MS. LOCEY: Mr. Helmer is building the road and offering that to the town?

MR. BABCOCK: Yeah, the road is, this section of the road is complete, it's been there for years.

MS. LOCEY: So does the town already maintain that portion of the road?

MR. BABCOCK: No.

MS. LOCEY: So can final approval, final acceptance of the town taking over that road be connected to the signs at the front of that road?

MR. KANE: But the signs are on a piece of property, not on the road, right?

MR. BABCOCK: Well, right now since Mr. Helmer owns the road it's on that same piece of property. But if you look at the tax map you'll see that there's a dotted line that's going to take when the Town of New Windsor does the dedication.

MR. DITTBRENNER: Mike, the road is an easement through each of the parcels where the signs are is a separate parcel, that's not part of the road?

MR. BABCOCK: It will be when it's dedicated to the town.

MS. LOCEY: Are there any negotiating factors before the final approval is given or final acceptance of the road by the town?

MR. BABCOCK: I don't think so, you know what I'm saying to you is that the road is a 50 foot easement, these signs are not within that 50 foot right-of-way

piece of property that Mr. Helmer owns, goes off the road and down to the water, if he's going to build something there he could, you know, but we don't want that piece, I don't think we want it, maybe the town does want it I don't know then they'll be on town property if that's the case.

MR. TORPEY: They still need an entrance of signs saying what's back there, you can't keep putting signs up all over the place, you still need one huge sign.

MR. KANE: But you can't force them to do that.

MS. LOCEY: Our only alternative is to deny an application for any further signs and have that perspective client.

MR. KANE: That each sign application as they come before us.

MS. LOCEY: Deal with Mr. Helmer directly.

MR. KANE: All right, I think at this point is there anything else that you want to say?

MR. SARKISSIAN: I just had a question. Is the issue the number three or four or more than four signs?

MR. BABCOCK: I think more than one, I think the issue is more than one, it's just happening, you know, well, the next guy wants one, then the next guy.

MR. TORPEY: If everybody was on one sign it wouldn't look bad.

MR. SARKISSIAN: So the two signs that are there one of them--

MR. KANE: One of them is allowed, the other one that's a variance to be there.

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MR. SARKISSIAN: Very first one that the rent sign that's there is actually a tenant or somebody in the glass building which can place that sign across on the road on their property.

MR. TORPEY: Or add it to the one that's existing and just put it a little bit lower.

MR. SARKISSIAN: Well, if you put two signs on one pole then it violates your sign laws of limit of 64 feet or whatever the dimensions is so that's why.

MR. TORPEY: It's an easier thing to work with than six or seven signs.

MR. KANE: We're saying that kind of variance.

MR. SARKISSIAN: There are a total of four properties there, one of them already has frontage, the other two are owned by the same owner and then there's us so the other two and us don't have frontage on 300. The one that's already there has frontage on their sign and they can choose to relocate their sign. So number 1 the total problem cannot be more than four sign problem because there are four buildings and nothing else until and unless Executive gets extended. Number 2, one of the signs already has frontage, number 3 building, number 2 and 3 are owned by the same owner. So if the board would like to be creative there are, the problem is no more than a fourth sign problem and there are ways to reduce it to two or three if you'd like.

MR. BABCOCK: The owner of the building it actually doesn't matter, it's the tenant, the owner of the building doesn't care whether his tenant has a sign or not.

MR. SARKISSIAN: Unless the owner is a tenant.

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MR. DITTBRENNER: Bill has a variance for a second sign on that property, we don't care whose name is on that sign.

MR. BABCOCK: That's correct.

MR. DITTBRENNER: So the Finkelstein sign could be moved over in front of the glass building and Bill could change it to his sign.

MR. BABCOCK: That's correct.

MR. DITTBRENNER: And we would not be increasing the number of signs and then we deal with the next application when Mr. Helmer for a marquee sign.

MR. BEDETTI: You don't know if Finkelstein will move that sign.

MR. KANE: I don't think that's an issue we can enforce.

MR. BABCOCK: It's permitted to be there, we already give them a building permit to have them there. The only thing--

MR. DITTBRENNER: It's a creative solution for you and Mr. Helmer.

MR. BABCOCK: If the variance was denied, they would get the message I'm sure I guess that's the only way you would do that.

MR. TORPEY: This poor guy's caught in the middle.

MR. KANE: We could do it that way or the other option to do it is to actually--

MR. DITTBRENNER: The applicant is not Mr. Sarkissian.

MR. KANE: The other option is to table it and get him involved with the discussion.

MR. TORPEY: That would be a good idea.

MR. KANE: Bring him in and table it, not make a decision tonight, table it until he can be decided, I mean, that I would always leave up to the applicant whether you want to or if you want to go through a vote here, more than happy to do it or we could table it and get him involved with a discussion and try to make those two signs handle that rather area with a sign and make the sign a little bit bigger to handle two businesses than put up a third or fourth sign so I'm just saying an option.

MR. SARKISSIAN: If you allow.

MR. DITTBRENNER: If you table and he says I'll modify and create a marquee sign on that property he doesn't need a variance anyway.

MR. BABCOCK: Yeah, he does, it's too big just for size wise.

MR. DITTBRENNER: Then he can modify his application, unless he reduces the size of the sign.

MR. KRIEGER: You want to consider the variance either way the number or size of signs.

MR. KANE: If we table that opens up the possibility of closing the whole issue.

MR. BABCOCK: Or have one sign with little names on it, littler names.

MR. KANE: Do you understand?

MR. SARKISSIAN: I don't really understand, no.

MR. KANE: The way I see it for this evening is that we have two options that we can do, we can continue the way we're going and have a vote of the board and it will either be approved or denied one way or the other. Or we can table the motion for tonight, not make a decision, have you go back and talk to Bill and let him know what we were talking about and our concerns with the amount of signs on that property, see if there's a possibility to combine everything into one sign and come back with a variance for the size of one or two signs, I don't care if we get rid of the second one, if we have two businesses on each, two on each sign that's fine, I'd rather see that.

MS. LOCEY: Would Mr. Helmer come in and discuss that?

MR. SARKISSIAN: Well, I think he alone will not be able to make those decisions because two other entities are involved, the owner of the other two signs.

MR. KANE: He's the only one that can make the decision, it's his property, the variances aren't on to the people's whose names are on the sign, it's to the property owner and he's the property owner.

MR. SARKISSIAN: Well, I had him with me last time and we had the proxy and I didn't think I needed him today.

MR. TORPEY: Bring him one more time.

MR. KANE: Table it and we'd delay it until the next meeting and if he did come in and discuss it with us actually we can settle the whole thing in one sitting or we can go ahead and have a vote.

MR. SARKISSIAN: Well, as I showed you in my opinion if the board is concerned with four or more signs the fourth one that will be coming for the new building is already, the owner already has one sign already, they

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can combine that so we're only talking about three separate structures there and if the board prepares for our sign to be below one of the existing signs we'd be happy to combine with that.

MR. KANE: That would change your application to put that sign below one of the other signs, that's why we're saying table it and have that discussion and if you wanted to add the sign to one that's existing in there then we would put you on the next meeting and take a look at it at that point. The thing is that if we change the application do we have to readvertise?

MR. KRIEGER: Depends on how--

MR. KANE: How it's worded?

MR. KRIEGER: Yes.

MR. KANE: It would have to go back into the paper I think.

MS. LOCEY: So tabling would not really do anything.

MR. KANE: Actually, no.

MR. BABCOCK: I think if these existing signs had some type of landscaping around them to beautify them a little bit they would go away a little bit, these four stick up out of the ground, there's just, they're just ugly.

MR. SARKISSIAN: Well, one of the issues that you had asked me last time and this time is does it impede any traffic and if you think about cars coming in and out, you know, having them elevated makes for a better visibility for cars. I don't know how you feel about that and at the end you'll end up approving three or four independent signs because of that concern, if that's what's going to, if we're going to delay it and

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come back to that issue again I don't know what your opinion is. Is it important that they be elevated?

MR. KANE: So I guess we'll go ahead and vote on it this evening.

MR. SARKISSIAN: I don't think so, I think I'll take your recommendation that we--

MR. KANE: Talk to the owner and let him know our concerns on it and whatever you feel that the general feeling of the board is with regards to those signs. I will accept a motion to table.

MS. MASON: Do you want Mr. Helmer at the next meeting?

MR. KANE: I think he should be here, he's the only one that really can answer the questions. So if he can come to the next meeting we'll put you on the June 23rd meeting if that's okay with you that's our next meeting is June 23rd.

MR. DITTBRENNER: I would move that we table the application for William Helmer for the sign variance as noted in the application.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI	AYE
MR. DITTBRENNER	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: When he comes in we can hash it out for something that looks good right there.

MR. DITTBRENNER: You may want to talk to him ahead of

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time and see if there isn't a solution moving the one sign for Finkelstein.

MR. SARKISSIAN: Okay, very good.

MR. KANE: Yeah because if they move the Finkelstein sign he already has the variance for the second one.

MR. SARKISSIAN: Okay, thank you.

PUBLIC HEARING CONTINUATION:

AVAN REALTY, LLC (08-10)

MR. KANE: Request for one additional freestanding sign at 140 Executive Drive in a PI zone. Welcome back.

Mr. Haig Sarkissian and Mr. William Helmer appeared before the board for this proposal.

MR. KANE: Okay, basically our question was is that with another freestanding sign there is there a way to incorporate those signs into one sign? I think what we're looking to do here one way or the other, now I don't know, I don't know who bears the expense and that kind of stuff but adding the third sign there I think causes a situation especially further down that there might be another building looking for another sign there. So that's basically why we want the continuation.

MR. SARKISSIAN: So one option to consider was to add our sign to one of the existing signs and give room, make room for the fourth building to have--

MR. TORPEY: Put all the signs on one.

MR. KANE: Or put the other, this building and another one of the two existing right now.

MR. TORPEY: Just make one sign.

MR. KANE: But Pat what you're saying, you're not giving him any alternative, the alternative was that there are two signs adding the other building on the sign.

MR. SARKISSIAN: That's another option, the other option would be to bring those down and make one big sign.

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MR. KANE: You're going to expenses and I'm not sure where that goes.

MR. SARKISSIAN: So my question is if the board would accept us combining our sign and one of the existing ones that would be satisfactory for us.

MR. KANE: Personally, I don't have a problem with that, I prefer to see that than another one going up. Speak up people.

MR. TORPEY: What was the issue with another building going in there then?

MR. BABCOCK: If another building goes in.

MR. KANE: Two signs, he comes in second sign on that first one, the fourth building comes and a second sign on the other one.

MR. BABCOCK: So still be two signs with four different signs on them.

MR. KANE: Instead of him putting up one whole one but again you're looking at who pays the expense of doing it and I'm not sure where you're going with that.

MS. LOCEY: There's only one more potential building in addition to yours?

MR. SARKISSIAN: Correct.

MS. LOCEY: In that back area there's not room for any additional buildings after the fourth?

MR. BABCOCK: Well, there is, yes and no, I think the answer is that yes, there's more property back there but when that property gets subdivided we have already talked to Mr. Helmer about continuing the road out so I

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don't think we're going to have anymore dead end there where we're going to have more buildings where somebody would want a sign.

MR. TORPEY: So they're still going to have a sign on the road saying I'm on this road. So once you go down the road you'll find help with the sign, there's no name on that road at all right now.

MR. BABCOCK: Yeah, I think there's a name on the road, yeah, sure.

MR. HELMER: Road's Executive Drive.

MR. TORPEY: That's what I meant like I'm down Executive Drive so nobody else in the back is going to want to bring a sign to the main road.

MR. KANE: What Mike is saying when those buildings go up that won't be the only entrance to the area, you're going to have, it's going to exit out at a different point so you get two ways to go in and out so you go back to a normal situation.

MR. HELMER: We have faced this problem ever since we started Wembly Road, we tried to get UPS and Air Products and so forth onto all one sign and nobody would do it and, you know, it's one of those awkward things where you have a road and a lot of businesses on it, some want it, some don't. We have a tenant Ralph Lauren Polo, nobody knows they're there, they didn't want a sign. And the next one wants a sign. So it's always a problem for both you and whoever is developing this to try to get everybody to agree to something. I know up front there we have Finkelstein and we have the school district and we've got to go to one of them and say heck, let us join your sign. And I have agreed with Haig that I will do that to see what I can do.

MR. KANE: I have no problem with that.

MR. HELMER: I don't know how else to do it.

MR. TORPEY: Just looking, you know, too much.

MR. HELMER: I agree.

MR. TORPEY: Gotta keep New Windsor beautiful.

MR. HELMER: And we want to do that too, we're not trying to but everybody has their way of going crazy, I guess, some put up a beautiful sign, the next one puts up some that doesn't look so good. And of course the main thing you approve is the size of the sign, right, more than what's on it and that's another problem?

MR. BABCOCK: That's correct.

MR. HELMER: One guy wants sky blue pink and another guy wants black and white, so it looks like a mish-mash.

MR. BEDETTI: If you merged the signs then a question may become well, what size is it going to be.

MR. HELMER: That's correct, that's why they do individuals because you say it to them you can only use 3 x 4 sign or 4 x 5 depending upon size of the lot and square foot of the building or something. Does that go into it?

MR. SARKISSIAN: There's a maximum size.

MR. BEDETTI: There's a maximum size.

MR. SARKISSIAN: What's the same as the two signs that are on there which is I believe 7 x 4.

MR. BABCOCK: Yeah, it's 64 square feet.

MR. BEDETTI: And that's measuring all surfaces.

MR. BABCOCK: Right.

MR. KANE: So it's 32 a side, basically. Yeah, I would prefer doing that if we can get that added to the bottom of one of the existing signs, I think that is a better way to go, I think what we'll probably have to do though--

MR. TORPEY: Wait a second, that sign says offices for rent.

MR. KANE: Has nothing to do with us, it's on the other side of the street.

MR. HELMER: Is that the yellow sign?

MS. LOCEY: Under River Realty.

MR. KANE: That's not underneath, there's a road between it, that's on the other lawn, it's an optical illusion.

MR. TORPEY: I've got different signs than you do.

MR. BEDETTI: I don't interpret it that way because if you take that one sign all the signs and add all the square footage up you may wind up exceeding the 64 square feet.

MR. KANE: No because that's already been 64, you fit it in the 64, you've got a 32 foot area to work with on each side whatever you put in though.

MR. BEDETTI: I don't have that picture.

MR. KANE: See the white one, it has three separate strips, those are not three separate signs, that's considered one sign, that's what Pat was talking about.

MR. BEDETTI: Okay.

MR. KANE: I wasn't talking about a third. Okay, I'm thinking that what we have to do with this is that we can't really make a ruling until you ask either one of these people if we can put the sign underneath.

MR. HELMER: I have agreed to go ask both of them and I will get permission from one of them, I'm pretty sure, especially if you people approve that method of doing it, if you don't approve it, they're going to say well put your own sign up, but if I go and say the Zoning Board of Appeals asked this gentleman to approach the other two I'm sure one of the two will let him.

MR. SARKISSIAN: Also last time we were here you mentioned that the only person who can decide is the owner of the property so it's his choice.

MR. KANE: It's a straw vote.

MR. KRIEGER: We don't close it so that you don't have to go through the expense.

MR. KANE: Because he can't force those two applicants to add that portion to his sign which means we have to rule on exactly what's been presented to us so what I'm saying here is that--

MR. HELMER: I think I can force one of the two of them, I own the property.

MS. LOCEY: Can't we do it contingent upon?

MR. KANE: But my thought was to let them if he goes out and he gets the approval it's going to go under there then we can make proper amending to it because we have to amend the size of that particular sign, that sign's already maxed out I'm sure at 32, right, which

means we have to put a variance on that sign that's existing already. It's not a freestanding sign we're putting in, we're putting an addition to an existing sign. So we have to amend it, it becomes a little more complicated because of the paperwork and the public notices that go out there and it has to be out by 10 days so what we're saying is that we'll just hold it open here. Frank, do you have a problem adding the second sign to the bottom?

MR. BEDETTI: Yes, I do.

MR. KANE: Pat?

MR. TORPEY: No problem.

MS. LOCEY: I still think we should bring a motion to the floor indicating that with contractual approval of whoever the principals are the owners of those signs that we would go forward with review of the, for a variance for the size of that sign because without us giving him any teeth he's saying to us the current sign owners may be resistant.

MR. KANE: Fair enough.

MR. KRIEGER: It gives them a tool to work with.

MR. HELMER: That's what I need.

MS. LOCEY: If you want to make an interim resolution having them come back after they get that if there's any way of doing that but to allow them to go forward.

MS. LOCEY: Do you understand?

MR. KANE: I understand completely, it makes sense.

MR. HELMER: What I'd like to do to avoid your time again and again is to make that motion and we'll report

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back to Myra or building inspector we've got approval and here's what we're going to do and we'll give you that to just close it and be done with it. You don't have to sit here and listen to us.

MS. LOCEY: I will offer a motion to approve a request from Avan Realty to attempt to add a sign underneath one of the two existing signs at 140 Executive Drive in a PI zone subject to contractual agreement with one of the sign owners.

MR. KANE: And coming back to us for the final size of the additional signage.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

PLEASE ATTEND TO THIS
BOARD OF APPEALS
TOWN OF NEW WINDSOR
 PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:
 Appeal No. (08-10)
 Request of AMAN REALTY, LLC (Halg Sarikistan) (for HZ Development Co.)
 for a VARIANCE of the Zoning Local Law to Permit: Request for one (1) additional Freestanding Sign at 140 Executive Drive in a P1 Zone (4-3-17.6)
 PUBLIC HEARING will take place on JUNE 9TH, 2008 at the New Windsor Town Hall, 355 Union Avenue, New Windsor, New York beginning at 7:30 PM.
 Michael Kane, Chairman

STATE OF NEW YORK

COUNTY OF ORANGE, ss:

Kathleen O'Brien, being duly sworn, disposes and says that she is the Supervisor of the Legal Department of the E.W. Smith Publishing Company, Inc., Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which is annexed is a true copy was published in said newspaper 1 time(s) commencing on the 23rd day of May, A.D., 2008 and ending on the 23rd day of May, A.D., 2008.

Kathleen O'Brien

Subscribed and shown to before me this 10th day of June, 2008.

Deborah Green

Notary Public of the State of New York
 County of Orange
 My commission expires _____

DEBORAH GREEN
 Notary Public, State of New York
 Qualified in Orange County
 #4984065
 Commission Expires July 15, 2011

11.50



RESULTS OF Z.B.A. MEETING OF: June 23, 2008

PROJECT: Awan Realty ZBA # 08-10
P.B.# _____



USE VARIANCE:

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____

BEDETTI _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____

BEDETTI _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____

BEDETTI _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____

BEDETTI _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____

☐ ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____

BEDETTI _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____



PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) Le S) I VOTE: A 4 N 0.

~~DITTBRENNER~~ _____

BEDETTI A

LOCEY A

TORPEY A

KANE A

CARRIED: Y ☒ N _____

Motion to Approve "Add sign to one of two existing signs"

To return to amend sign size.

AGENDA DATE: June 23, 2008



RESULTS OF Z.B.A. MEETING OF: June 8, 2008

PROJECT: Awan Realty ZBA # 08-10
P.B.# _____



USE VARIANCE:

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

☐ **ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____



PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____
VARIANCE APPROVED: M) D S) T VOTE: A _____ N _____

DITTBRENNER A
BEDETTI A
LOCEY A
TORPEY A
KANE A

CARRIED: Y _____ N _____

The Board discussed consolidating the signs.
Tabled till
June 23rd

AGENDA DATE: June 9, 2008

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

AVAN REALTY, LLC

**AFFIDAVIT OF
SERVICE
BY MAIL**

#08-10

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the TWENTY-THIRD day of ^{May}~~JUNE~~, 2008, I compared the 5 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

9th day of June, 2008

J. Gallagher
Notary Public

JENNIFER GALLAGHER
Notary Public, State of New York
No. 01GA6050024
Qualified in Orange County
Commission Expires 10/30/12

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

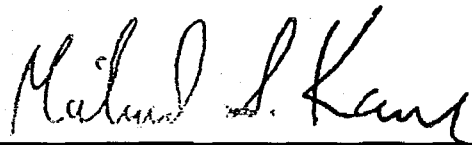
Appeal No. (08-10)

Request of AVAN REALTY, LLC (Haig Sarkissian) (for HZ Development Co.)

for a VARIANCE of the Zoning Local Law to Permit:

Request for one (1) additional Freestanding Sign at 140 Executive Drive in a PI Zone (4-3-17.6)

PUBLIC HEARING will take place on JUNE 9TH, 2008 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

A handwritten signature in black ink, appearing to read "Michael S. Kane", written over a horizontal line.

Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessor's Office

Assessor J. Todd Wiley, IAO

May 6, 2008

Avan Realty
Haig Sarkissian
11 Braden Place
Cornwall-on-Hudson, NY 12520

Re: 4-3-2.221

ZBA: #08-10 (5)

Dear Mr. Sarkissian

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$25.00, minus your deposit of \$25.00. There is no balance due.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/td
Attachments

CC: Myra Mason, Zoning Board



EVERY®5160®

4-3-2.21
Poughkeepsie
297 Mill Street
Poughkeepsie, NY 12601

4-3-1.2
State of New York
Attn: Colin Campbell
Bureau of Financial Adm.
5th Floor - AE Smith Building
Albany, NY 12236

4-1-10, 4-1-12.2
Newburgh Water Supply
City Hall
Broadway
Newburgh, NY 12560

4-3-3, 4-3-4, 4-3-5, 4-3-6, 4-3-7
HZ Development Partners
27 Rte. 210
Stony Point, NY 10980

4-3-1.1
Newburgh Water Supply
83 Broadway
Newburgh, NY 12550



RESULTS OF Z.B.A. MEETING OF:

April 28, 2008

PROJECT: Awan Realty

ZBA # 08-10

P.B.# _____



USE VARIANCE:

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

VOLPE
BEDETTI
LOCEY
TORPEY
KANE

CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

VOLPE
BEDETTI
LOCEY
TORPEY
KANE

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

VOLPE
BEDETTI
LOCEY
TORPEY
KANE

CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

VOLPE
BEDETTI
LOCEY
TORPEY
KANE

CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) B S) D

VOTE: A _____ N _____

Dittbrenner

~~VOLPE~~
BEDETTI
LOCEY
~~TORPEY~~
KANE

A
A
A

CARRIED: Y _____ N _____

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED:

M) _____ S) _____ VOTE: A _____ N _____

VOLPE
BEDETTI
LOCEY
TORPEY
KANE

CARRIED: Y _____ N _____

Need additional photos - how effects traffic.

Need Proxy from Welmer

Need

AGENDA DATE: April 28, 2008

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

_____**WILLIAM F. HELMER**_____, deposes and says that he resides
(OWNER)

at 27 Route 210, Stony Point, NY 10980 in the County of ROCKLAND
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. _____ Block _____ Lot _____)
designation number (Sec. 4 Block 3 Lot 17.6) which is the premises described in
the foregoing application and that he authorizes:

_____**AVAN REALTY, LLC (Haig Sarkissian)**_____
(Applicant Name & Address, if different from owner)

_____**JON OLSEN**_____
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 4/30/08

**
William F. Helmer
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:

30th day of April 2008

Applicant's Signature (If different than owner)

Representative's Signature

Signature and Stamp of Notary

ANTHONY BRUNO, JR.
Notary Public, State of New York
No. 01BR5015493
Qualified in Rockland County
Commission Expires July 19, 2009

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE
PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT
THE ZBA MEETINGS.**

**** PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

COMPLETE THIS PAGE ☐

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

WILLIAM F. HELMER, deposes and says that he resides
(OWNER)

at 27 Route 210, Stony Point, NY 10980 in the County of ROCKLAND
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. Block Lot)
designation number (Sec. 4 Block 3 Lot 17.6) which is the premises described in

the foregoing application and that he authorizes:

AVAN REALTY, LLC (Haig Sarkissian)
(Applicant Name & Address, if different from owner)

JON OLSEN
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 4/30/08

Sworn to before me this:

30th day of April 2008

**
William F. Helmer
Owner's Signature (MUST BE NOTARIZED)

Haig A. Sarkissian
Applicant's Signature (If different than owner)

[Signature]
Representative's Signature

Signature and Stamp of Notary
ANTHONY BRUNO, JR.
Notary Public, State of New York
No. 01BR5015493
Qualified in Rockland County
Commission Expires July 19, 2009

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PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT
THE ZBA MEETINGS.**

**** PLEASE NOTE:
ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

COMPLETE THIS PAGE ☐

Town of New Winds
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT

#154-2008

03/18/2008

Avan Realty Llc *ZBA 08-10*

Received \$ 150.00 for Planning Board Fees, on 03/18/2008. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 03-07-08

FOR: ESCROW 08-10

FROM:

Avan Realty (Haig Sarkissian)
11 Braden Place
Cornwall-on-Hudson, NY 12520

CHECK FROM:
SAME

CHECK NUMBER: 1007

TELEPHONE: 642-8452

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

J. Ferrante 3-15-08
NAME DATE

289 #08-10 ESCROW

AVAN REALTY LLC 642-8452		1007
11 BRADEN PLACE		
CORNWALL ON HUDSON, NY 12520		
PAY TO THE ORDER OF	TOWN OF NEW WINDSOR	DATE FEB 5, 2008
FIVE HUNDRED and 00		\$ 500.00
Hudson Valley Federal Credit Union		DOLLARS
FOR		Haig A. Sarkissian
⑆226979363⑆00000175427490⑆10007		



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553

Telephone: (845) 563-4615

Fax: (845) 563-4689

(email: mmason@town.new-windsor.ny.us)

ZONING BOARD OF APPEALS

March 7, 2008

Avan Realty (Mr. Haig Sarkissian)
11 Braden Place
Cornwall-on-Hudson, NY 12520

SUBJECT: ZBA #08-10 REQUEST FOR VARIANCE

Dear Dear Haig:

This letter is to inform you that you have been placed on the March 10th, 2008 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

140 Executive Drive (Sign)
New Windsor, NY 12553

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

via email; 3/7/08
cc: email; Helmer

08-10

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 12/3/07

APPLICANT: William Helmer
27 Route 210
Stony Point, NY 10980

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 12/3/07

FOR : Pole sign

LOCATED AT: Executive Drive

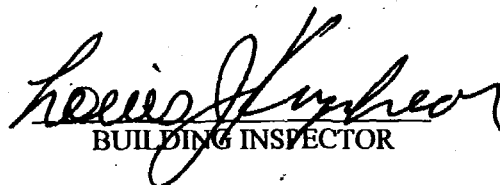
ZONE: PI Sec/ Blk/ Lot: 4-3-17.6

COPY

DESCRIPTION OF EXISTING SITE: Proposed medical building with sign

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-45, A1 Permitted freestanding signs (1-64sqft) Proposed 3rd freestanding sign 64sqft requires a variance.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: PI USE:

SIGN:

FREESTANDING: 1- by right 3
1-by previous variance 1

HEIGHT:

WIDTH:

WALL SIGNS:

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE W/ATTACHED MAP

12/11/07 Sent Application

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

John OLSON
527 446

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number and Tax Parcel ID #, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Water and Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED

DEC 03 2007

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: _____

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP. DISABILITY & LIABILITY INSURANCE
CERTIFICATES ARE REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR
ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises H.2. DEVELOPMENT CO. (MR. WILLIAM HETMER)
Address 27 ROUTE 210, STONY POINT, NY 10980 Phone # 845 942 1330
Mailing Address 27 ROUTE 210, STONY POINT, NY 10980 Fax # 845 942 1165
Name of Architect LINDA ZWART R.A.
Address 31 MEADOW RD., MONTGOMERY, NY 12549 Phone # 845 361 2969
Name of Contractor GT EXCAVATING
Address PO BOX 421, WALDEN, NY 12586 Phone 845 778 5326
State whether applicant is owner, lessee, agent, architect, engineer or builder _____
If applicant is a corporation, signature of duly authorized officer. Way A. Sullivan, member
(Name and title of corporate officer)

03
Executive
Drive

1. On what street is property located? On the SOUTH side of TEMPLE HILL ROAD
(N,S,E or W)
and 10 feet from the intersection of EXECUTIVE DRIVE
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____
3. Tax Map Description: Section 4 Block 3 Lot 2.221
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other 4'6 x 7'0
BUILDING SIGN
"Pole"
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
- Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
- Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee \$50.00

ZONING BOARD

PAID

#1015 12/3/07
\$50⁰⁰

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Harry A. South
(Signature of Applicant)

11 BRADEN PLACE, CORNWALL ON HUDSON, NY
(Address of Applicant)

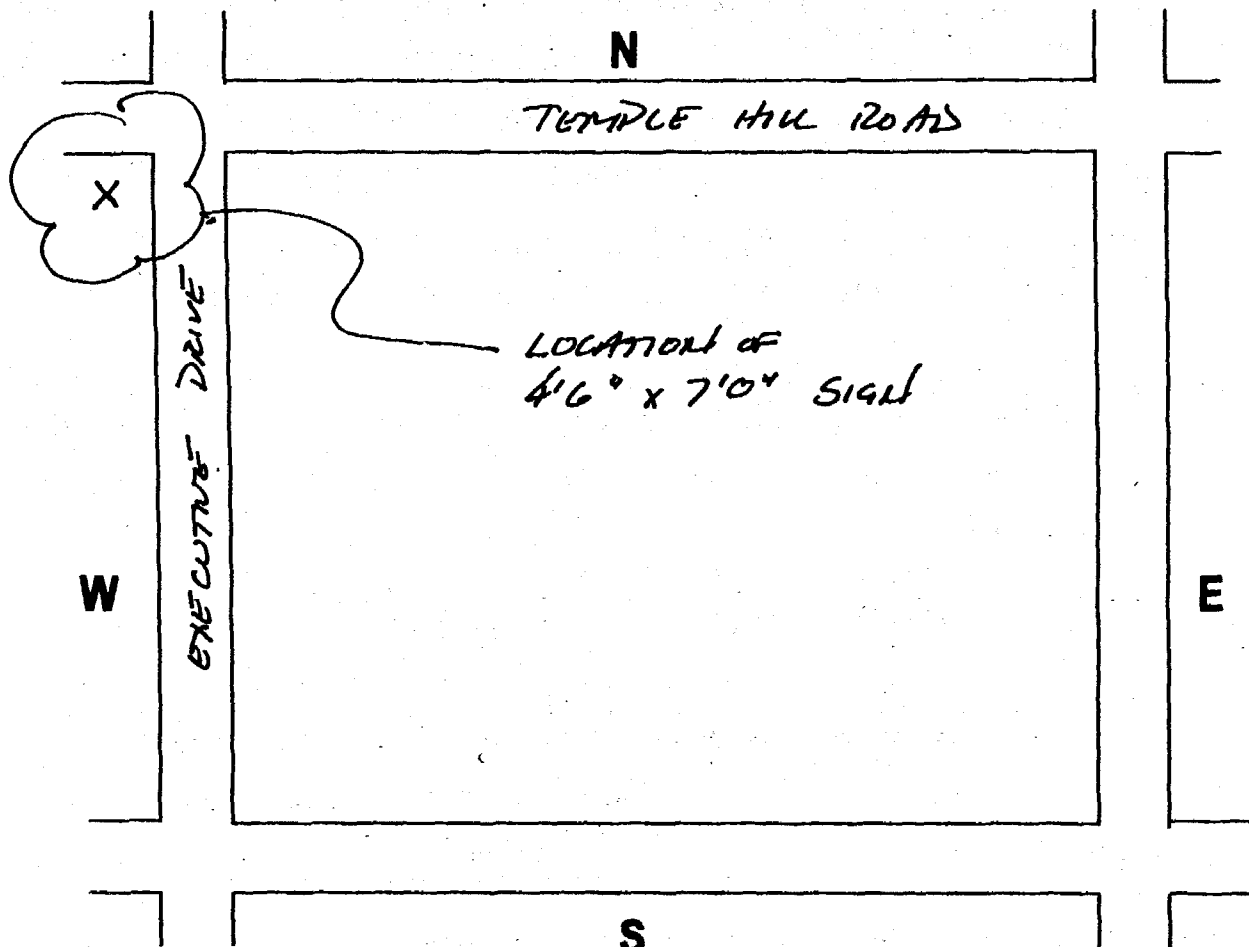
William F. Adams
(Owner's Signature)

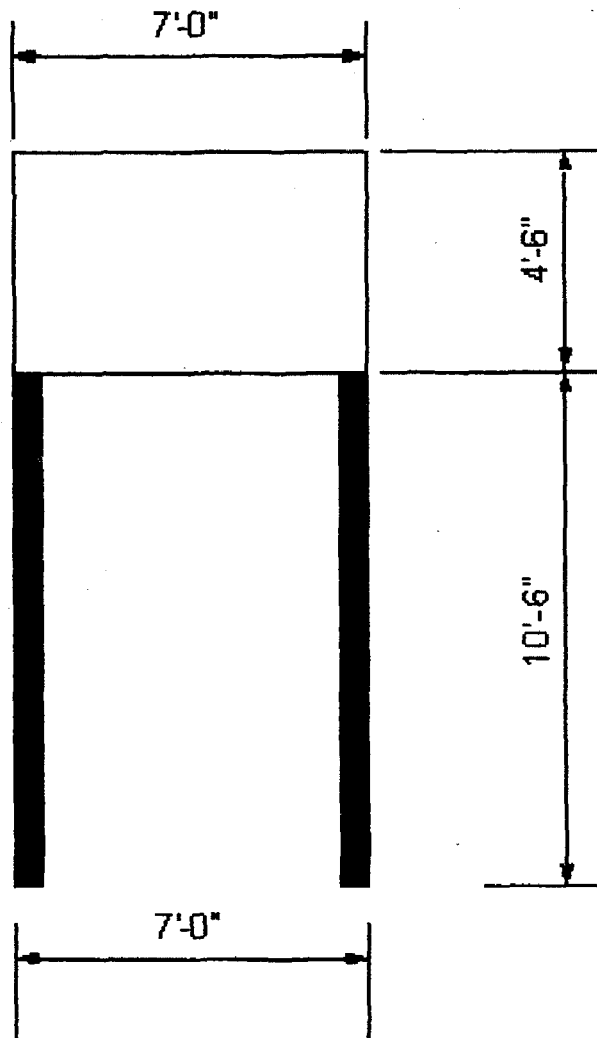
27 Route 210, SUNNY POINT, NY 10980
(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





**Gateway Medical Plaza
Proposed Free Standing Sign
Located at the West corner of Executive Drive and Rt 300/207
(Total Area = 64 sq. ft.)**

Note1: Base is metal poles in concrete footings

Note2: The sign is metal or ?.

Note3: The sign is indirectly illuminated.

Note4: The sign has front and back readable faces.



THIS SIGN WILL BE
SIMILAR IN SIZE & CONSTRUCTION
TO EXISTING SIGNS FOR BUILDINGS
ON EXECUTIVE DRIVE AND WILL
BE LOCATED ADJACENT TO THEM.

9.21

2.1A(C)

City of
Newburgh

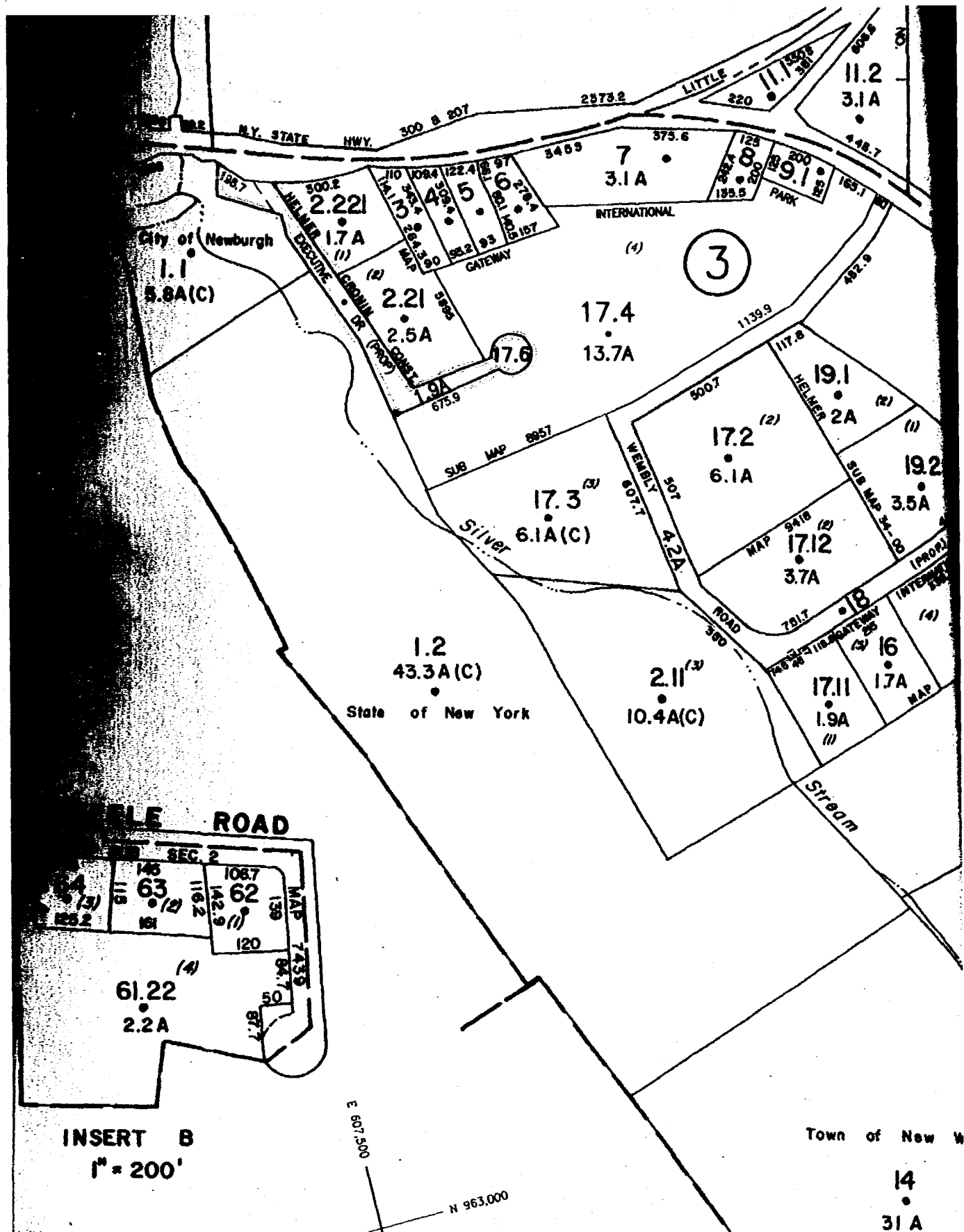
AGRICULTURE

DISTRICT

City of Newburgh

10

52.9A



**PREVIOUS
DOCUMENTS
IN POOR
ORIGINAL
CONDITION**

TOTAL CHARGES: _____



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

_____ Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

e-mail address: cjhelmer@helmercronin.com

I. Owner Information:

H2 DEVELOPMENT CO (MR. W. HELMER) Phone Number: (845) 942 1330
Fax Number: (845) 942 1165

(Name)

27 ROUTE 210, STONY POINT, NY 10980

(Address)

II. Applicant:

AVAN REALTY (MR. HAIG SARKISSIAN) e-mail address: haig@winmax2020.com
Phone Number: (845) 642 8452

(Name)

Fax Number: (845) 534 4355

11 BRADEN PLACE, CORNWALL ON HUDSON, NY 12520

(Address)

III. Forwarding Address, if any, for return of escrow:

Phone Number: (845) 642 8452

Fax Number: (845) 534 4355

MR. HAIG SARKISSIAN, AVAN REALTY LLC

(Name)

11 BRADEN PLACE, CORNWALL ON HUDSON, NY 12520

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number (845) 361 2969

Fax Number: ()

LINDA J. ZWART AIA

(Name)

51 MEADOW RD., MONTGOMERY, NY 12549

(Address)

V. Property Information:

Zone: P1 Property Address in Question: _____

Lot Size: _____

Tax Map Number: Section 4

Block 13

Lot 2.221

- a. Is pending sale or lease subject to ZBA approval of this Application? _____
- b. When was property purchased by present owner? _____
- c. Has property been subdivided previously? _____ If so, When: _____
- d. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? _____

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. **In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS SPECIFICALLY:

1. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; BECAUSE THERE IS CURRENTLY NO THROUGH TRAFFIC ON EXECUTIVE DR., A SIGN AT THE INTERSECTION OF TEMPLE HILL ROAD IS THE ONLY PRACTICAL WAY TO DIRECT PATIENTS TO THE FACILITY.
2. Whether the requested area variance is substantial; THE REQUESTED VARIANCE IS NOT SUBSTANTIAL, AS IT IS CONSISTANT WITH EXISTING CONDITIONS IN THE AREA AND WITH PREVIOUS VARIANCES OF A SIMILAR NATURE.
3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; THE IMPACT OF THE PROPOSED VARIANCE WILL BE NEGLIGABLE, AS THE SIGN WOULD BE LOCATED IN A COMMERCIAL DISTRICT, ADJACENT TO SIMILAR EXISTING SIGNS.
4. Whether the alleged difficulty was self-created. ALTHOUGH THE FACILITY IS BEING CONSTRUCTED ON EXECUTIVE DRIVE PRIOR TO ITS CONNECTION WITH WEMBLY ROAD, FEW IF ANY SUITABLE ALTERNATE SITES, WITH HIGHWAY EXPOSURE, REMAIN WITHIN THE TOWN.

**After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

GRANTING OF THE VARIANCE WILL NOT RESULT IN A NEGATIVE IMPACT ON THE AREA, BUT IT WILL ALLOW THE DEVELOPMENT OF A BENEFICIAL BUSINESS AND RATABLE IN AN AREA WITH LIMITED ACCESS AND COMMERCIAL DESIRABILITY.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section 312-45, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	<u>0 SQ. FT.</u>	<u>64 SQ. FT.</u>	<u>64 SQ. FT.</u>
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

PLEASE SEE ATTACHED

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs 64 SQ. FT. ?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____

- (b) Describe in detail the proposal before the Board:

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

APPLICATION FOR VARIANCE
Attachment

X. SIGN VARIANCE:

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

The applicant is requesting a variance to construct one additional sign of 64 square feet, to be located at the intersection of Executive Drive and Temple Hill Road for a medical facility to be constructed at the South end of the Executive Drive. This sign is required because the existing road will not become a thoroughfare until some unspecified time in the future and as such, does not generate any drive-by traffic. In addition, the intersection sign is needed to properly direct patients of the Ophthalmology practice, who may be suffering from a variety of vision limitations.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

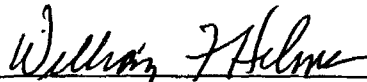
) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

16th day of February 2008.



Owner's Signature (Notarized)

WILLIAM F. HELMER

Owner's Name (Please Print)

M. JUSTIN RIDER
Notary Public, State of New York
No. 02RI6100694

Qualified in Orange County

Commission Expires October 27, 2011



Signature and Stamp of Notary



Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

PROJECT ID. NUMBER

617.21

SEQR

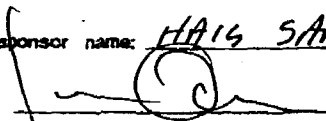
Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR AVAN REALTY, LLC	2. PROJECT NAME GATEWAY MEDICAL PLAZA
3. PROJECT LOCATION: Municipality NEW WINDSOR County ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 140 EXECUTIVE DRIVE, INTERSECTION OF TEMPLE HILL RD. (RT. 207)	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: ERECT 64 SQ. FT. SIGN AT INTERSECTION OF EXECUTIVE DRIVE AND TEMPLE HILL ROAD	
7. AMOUNT OF LAND AFFECTED: Initially <u>0</u> acres Ultimately <u>0</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly A SIGN VARIANCE WILL BE NECESSARY	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals VARIANCE FROM NEW WINDSOR ZONING BOARD OF APPEALS	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval PROJECT HAS APPROVAL FROM NEW WINDSOR PLANNING BOARD AND A BUILDING PERMIT FROM THE BUILDING DEPARTMENT	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: HAIG SARKISSIAN, AVAN REALTY LLC Date: 2/10/08	
Signature:  Jon Olsen for AVAN REALTY LLC	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 8 NYCRR, PART 817.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 817.8? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: <div style="text-align: center; margin-top: 10px;">NO</div>	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: <div style="text-align: center; margin-top: 10px;">NO</div>	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: <div style="text-align: center; margin-top: 10px;">NO</div>	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: <div style="text-align: center; margin-top: 10px;">NO</div>	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly. <div style="text-align: center; margin-top: 10px;">NO</div>	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly. <div style="text-align: center; margin-top: 10px;">NO</div>	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly. <div style="text-align: center; margin-top: 10px;">NO</div>	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
Name of Lead Agency	
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)
Date	